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10/511571  
D101 Rec'd PCT/PTG 12 OCT 2004

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OUR REFERENCE

SKG/LW/G23758WO

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PLEASE REPLY TO  
SEVENOAKS OFFICE

European Patent Office  
D-80298 Munchen  
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30 April 2004

Dear Sirs

Re: International Patent Application No. PCT/NL03/00272  
PANalytical B.V.

We file herewith amended claims. We hereby request detailed examination.

Claim 1 has been amended to positively recite the sample which has a substantially single crystal thin layer at its front face and has been further amended to recite that the means for generating a collimated beam of X-rays comprises an X-ray source and slit between the source and the stage. Thus, amended claim 1 includes the feature of claim 3 as well as positively reciting the sample. New claim 2 is based on page 5 line 31 to page 6 line 2.

The closest prior art document appears to be the article by Noma et al in X-Ray Spectrometry of 1999. In this document, poly crystalline thin films are measured – see final paragraph of page 235 right column.

The use of such samples will not result in the benefits of the present invention. The peak width of the measured sample peaks in Noma et al are approximately 1° whereas the present invention can achieve resolutions much less than 1° (see Fig 6 of the patent application). Further, the arrangement of Noma et al requires a monochromator which is not required in the arrangement of the present invention.

Thus, the arrangement of Noma et al does not achieve the simplicity of the present invention nor its high resolution.

What the inventors have effectively done is realise that by measuring a particular kind of sample in a particular way it is possible to use the sample itself as a monochromator and thus achieve a high resolution result even without the use of a monochromator in the apparatus. This is not in anyway suggested by Noma as explained above.

Accordingly, it is respectfully submitted that the subject matter of the amended claims is inventive.

Yours faithfully  
Elkington and Fife



Simon Greene